## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GEISSMANN et al.

Appl. No. 09/832,922

Filed: April 12, 2001

**Compositions and Methods for Use** 

in Modulating Immune System

Function

Confirmation No.: 8471

Art Unit:

1644

Examiner:

Huynh, P.N.

Atty. Docket: 1383.0260001

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**Information Disclosure Statement** 

TECH CENTER 1600/2900

Commissioner for Patents Washington, D.C. 20231

Via Hand Carry to Examiner Phuong N. Huynh

Art Unit 1644

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following concise statement of the relevance of the non-English language documents, Doc. Nos. AN1, AO2, AP3, AL4, AL9, and AM9, cited on the Form PTO-1449:

Doc. No. AN1, WIPO Publication No. WO 99/05292, is in the Japanese language. An unverified abstract of this publication in the English language is found on the face page of the document, and an additional unverified abstract of the publication in the English language (obtained from Derwent WPI) is attached as Doc. No. AT73.

Doc. No. AO2, WIPO Publication No. WO 98/29183, is in the Russian language. An unverified abstract of this publication in the English language is found on the face page of the document, and an additional unverified abstract of the publication in the English language (obtained from Derwent WPI) is attached as Doc. No. AR74.

Doc. No. AP3, EPO Publication No. EP 0 722 928 B1, is in the French language. An unverified abstract of this publication in the English language (obtained from Derwent WPI) is attached as Doc. No. AS74.

Doc. No. AL4, WIPO Publication No. WO 97/26237, is in the French language. An unverified abstract of this publication in the English language is found on the face page of the document, and an additional unverified abstract of the publication in the English language (obtained from Derwent WPI) is attached as Doc. No. AT74.

Doc. No. **AL9**, EPO Publication No. EP 0 253 302 A2, is in the German language. An unverified abstract of this publication in the English language (obtained from Derwent WPI) is attached as Doc. No. **AR75**.

Doc. No. AM9, EPO Publication No. EP 0 210 929 A1, is in the French language.

An unverified abstract of this publication in the English language (obtained from Derwent WPI) is attached as Doc. No. AS75.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Brian J. Del Buono Attorney for Applicants Registration No. 42,473

Date: May 22, 2002

1100 New York Avenue, N.W. Suite 600 Washington, D.C. 20005-3934 (202) 371-2600

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Page 1 of 75 APPLICATION NO. ATTY. DOCKET NO. 1383.0260001 09/832,922 FORM PTO-1449 APPLICANT Geissmann et al. INFORMATION DISCLOSURE STATEMENT FILING DATE GROUP April 12, 2001 1644 U.S. PATENT DOCUMENTS EXAMINER INITIAL DOCUMENT DATE NAME CLASS SUB-FILING DATE NUMBER CLASS AA1 6,184,256 02/06/2001 Basset et al. 514 725 04/24/1998 AB1 6,130,230 10/10/2000 Chambon et al. 514 311 08/28/1997 AC1 5,861,274 01/19/1999 Evans et al. 435 69.1 06/07/1995 AD1 5,849,923 12/15/1998 Starrett, Jr. et al. 546 340 06/04/1996 AE1 5,780,676 07/14/1998 Boehm et al. 562 490 06/07/1995 5,747,661 AF1 05/05/1998 536 Evans et al. 24.1 01/13/1995 AG1 5,702,914 12/30/1997 Evans et al. 435 29 12/30/1997 AH1 5,675,033 10/07/1997 Vuligonda et al. 560 100 06/06/1995 AI1 5,648,514 07/15/1997 Johnson et al. 560 102 12/29/1994 AJ1 5,624,957 04/29/1997 Swann et al. 514 535 06/06/1995 AK1 5,618,839 04/08/1997 Starrett, Jr. et al. 514 513 05/02/1996 FOREIGN PATENT DOCUMENTS EXAMINER INITIAL DOCUMENT NUMBER DATE COUNTRY CLASS SUB-TRANSLATION CLASS Yes AL1 WO 00/64260 11/02/2000 WIPO RECEIVED No Yes AM1 EP O 903 149 A1 03/24/1999 Europe No DEC 1 0 2002 Yes AN1 WO 99/05292 02/04/1999 WIPO X No TECH CENTER 1600/2900 Yes A01 WO 98/49555 11/05/1998 WIPO No Yes AP1 WO 98/48825 11/05/1998 WIPO No OTHER (Including Author, Title, Date, Pertinent Pages, etc.) Abrams, J.S., et al., "New Chemotherapeutic Agents for Breast Cancer," Supp. 1 Cancer 74:1164-1176, J.B. Lippincott Company (1994). Alcalay, M., et al., "Translocation breakpoint of acute promyelocytic leukemia AS lies within the retinoic acid receptor a locus," Proc. Natl. Avail. Sci. USA 1 88:19 7-1981, National Academy of Sciences (1991). Allenby, G., et al., "Binding of 9-cis-Retinoic Acid and All-trans-Retinoic Acid to Retinoic Acid Receptors  $\alpha$ ,  $\beta$ , and  $\gamma$ ," J. Biol. Chem. 269:16689-16695, The ΑT 1 American Society for Biochemistry and Molecular Biology, Inc. (1994). EXAMINER DATE CONSIDERED **EXAMINER**: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

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communication to Applicant.

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	A04	WO	97/14426	04/24/1997	WIPO				Yes No
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	AL5	2,23	0,637	03/06/1997	Canada				Yes No
	AM5	EP 0	502 979 B1	01/22/1997	Europe				Yes No
	AN5	WO 9	6/40669	12/19/1996	WIPO		*****		Yes No
	A05	EP 0	747 347 A1	12/11/1996	Europe				Yes No
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	AT	46	Mangelso	lorf, D.J., et 835-839, Cell	al., "The Nuclear R Press (1995).	eceptor Supe	erfami	ly: The Sec	ond Decade,"
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	AR	<u>48</u>	Mendelsohr developmer	n, C., et al., nt," Developme	"Function of the retinoic ant 120:2749-2771, The Comp	acid rece any of Bio	ptors (RAR logists Lt	s) during d. (1994).
	AS	<u>48</u>			se of All-Trans Retinoic A * Blood 72-567-572 Grune			of Acute
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	AT	52				accination of melanon cells," <i>Nature Med. 4</i>					
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	AR	Wolf, C., et al., "Stromelysin 3 belongs to a subgroup of proteinases expressed in breast carcinoma fibroblastic cells and possibly implicated in tumor progression," Proc. Natl. Acad. Sci. USA 90:1843-1847, National Academy of Sciences (1993).										
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	ТА	<u>71</u>	Yang-Yen, H.F., et al., "Antagonism Between Retinoic Acid Receptors and AP-1: Implications for Tumor Promotion and Inflammation," The New Biologist 3:1206-1219, W.B. Saunders Company (1991).									
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